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February 27, 2014

VIA ECF

Honorable Lorna G. Schofield
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square
New York, New York 10007

Re: DIBA Family Limited Partnership, et al. v. David Ross, et al.: 13-cv-6384 (LGS) (JLC)

Dear Judge Schofield:

This firm represents defendants DIBA Family Limited Partnership and 170 East 75th LLC (collectively, the "Plaintiffs") in the above-referenced case. After consultation with counsel for the Defendants David Ross and Helen Werngren-Ross (collectively, the "Defendants") we write to respectfully request that Your Honor adjourn the Status Conference presently scheduled for March 4, 2014.¹

By way of background, on January 10, 2014 the parties attended a settlement conference with Magistrate Judge Cott. The parties adjourned without any resolution of the case. Settlement continues to be discussed.

On February 21, 2014 for the reasons set forth in the next paragraph, Your Honor granted a joint letter application made on February 19, 2014 to extend the Defendants' time to answer and to set a briefing schedule in anticipation of the Defendants' contemplated dismissal motion. Your Honor set April 4, 2014 as the date by which the Defendants' answer and motion were to be filed, May 5, 2014 for a response and May 9, 2014 for a reply.

As explained in Defendants' counsel's February 19, 2014 letter, the parties are continuing to work together in order to search for certain documents filed in connection with the underlying litigation proceedings in New York state court. We expect that these documents may impact the disposition of this matter, and, should the parties' search for such documents prove successful, both parties may submit such documents in connection with the contemplated motion to dismiss.


¹ This is the first request to adjourn this Status Conference.

Subsequent to the date of that February 19, 2014 letter, I was informed that my earlier request to the New York City Civil Court for access to the archived file is being processed, and that due to shortage of staff, the file is expected to become available not earlier than eight, and possibly as long as twelve weeks from today.

Under the circumstances described above, counsel for the parties believe that the March 4, 2014 conference would do no more than to inform the Court of the within described circumstances. Of course, if Your Honor wishes to hear from counsel notwithstanding, we remain available for that purpose.

Respectfully submitted,

LAW OFFICE OF ROBERT J. GUMENICK, PC

By:  _____
Robert J. Gumenick

cc: Harry H. Rimm, Esq.